

It is respectfully submitted that the subject matter of both species is sufficiently related that a thorough search for the subject matter of one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which is stated that "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added). It is respectfully submitted that this policy should apply in the present application to avoid unnecessary delay and expense to Applicants and duplicative examination by the U.S. Patent and Trademark Office.

Secondly, Applicants have not constructively elected, by original presentation for prosecution, a particular species. In fact, the independent claims previously filed were directed toward both species. As such, Applicants assert that they have not elected, based on the prosecution, a particular species and have been prosecuting both embodiments throughout prosecution. It is thus respectfully requested that both species be examined.

Claims 9-16 were rejected under 35 U.S.C. §103(a) over Hishida et al. (Hishida), U. S. Patent No. 5,160,866 in view Maegawa et al. (Maegawa), U. S. Patent No. 5,945,753. The rejection is respectfully traversed.

Applicants first assert that neither Hishida nor Maegawa disclose a spindle motor with a housing having a cylindrical projection portion formed therewith as a one-piece member as well as the remaining features recited in Applicants' claim 9. As shown in one embodiment of Hishida (Fig. 9), the fitting member 202 is attached to the hollow cylindrical portion 210. However, both the fitting member 202 and hollow cylindrical portion 210 are separately made and are attached at a later manufacturing stage (Fig. 9 and col. 7, lines 42-45). Conversely, Applicants' housing and cylindrical projection portion are formed therewith as a

one-piece guide member. Maegawa fails to overcome the deficiencies of Hishida because Maegawa fails to disclose or suggest a housing having a cylindrical projection portion.

Applicants also assert neither Hishida nor Maegawa teach, disclose or suggest a spindle motor with a shaft fitted in a central hole of the rotor, wherein the bearing means is a pair of ball bearings, the ball bearings are disposed in the cylindrical projection portion of the housing with a spacer disposed between the bearings and the housing and the rotor are made of a super engineering plastic material and are unitarily formed by injection molding, as recited in claim 9.

As shown in Fig. 9 of Hishida, Hishida discloses a spindle motor with a hollow cylindrical portion 210 with grooves 212a and 212b and a shaft member 204 with grooves 214a and 214b with ball members 216 placed between grooves 212a, 212b, 214a and 214b (Fig. 9). However, it is neither taught nor disclosed in Fig. 9 or the embodiment describing Fig. 9, at col. 7, line 29 - col. 8, line 62, to use a spacer between the bearings as recited in Applicants' claim 9. Applicants also assert that a spacer is not required in Hishida and thus there is no logical reason or suggestion in Hishida to include a spacer. Applicants asserts that the sealing member 228 is not a spacer because it is not placed between two bearings. Applicants also assert that the other embodiments of Hishida fail to disclose Applicants' spacer. Also, Applicants assert that Maegawa fails to overcome the deficiencies of Hishida in disclosing a spacer between bearings.

Applicants further assert that Fig. 10 of Hishida fails to disclose or suggest Applicants' claimed invention because Applicants' spindle motor is of a shaft-rotated type motor whereas Fig. 10 of Hishida deals with a shaft-fixed type motor. In Fig. 10 of Hishida, the cylindrical portion 306 is separated by a certain interval from the outer surface of the sleeve member 318 so as to prevent the adhesion of grease or the like (col. 9, lines 63-66). Conversely, the cylindrical projection portion of Applicants' housing employs fixedly held

bearings by providing a spacer disposed between the bearings as recited in claim 9 and integrally formed with the housing, as further defined in claim 11.

In addition, claims 10-16 recite additional features of the invention and are also believed to be allowable at least for the reasons discussed above with respect to claim 9 and for the additional features recited therein. It is respectfully requested the rejection be withdrawn.

In view of the foregoing amendments and remarks, Applicants submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 9 - 23 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Attachment:
Appendix

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Docket No. 105273

Application No. 09/487,803

APPENDIX

Changes to Claims:

The following is a marked-up version of the amended claim:

9. (Amended) A spindle motor for a disk driving device, comprising:

a housing having a cylindrical projection portion formed integrally with the housing therewith as a one-piece member;

a stator comprising a stack and coils wound around the stack, the stator mounted on an outer circumference of the cylindrical projection portion of the housing to confront a magnet;

a lead wire of the coils connected to an electric supplying connector portion;

a rotor having a central hole and a downwardly depending flange at an outer periphery thereof, the rotor supported rotatably relative to the housing by a bearing means, the magnet disposed on an inner peripheral surface of the downwardly depending flange of the rotor; and

a shaft fitted in the central hole of the rotor, wherein the bearing means is a pair of ball bearings, the ball bearings are disposed in the cylindrical projection portion of the housing with a spacer disposed between the bearings and the housing and the rotor are made of a super engineering plastic material and are unitarily formed by injection molding.